

February 2, 1999

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
Legal Department
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OFFICE OF THE
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STATE OF TEXAS

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OR99-0300

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122555.

The City of Houston (the "city") received a request for information relating to bid invitation number NC-9-4210-018-11982/ITT008844, which concerns a bid for firefighting pumper trucks for the Houston fire department. You have made the bulk of the information available to the requestor except for item 17, which you contend may be withheld from public disclosure pursuant to section 552.107(1) of the Government Code. You assert that the information contains legal opinions, advice, and recommendations of the city attorney to a governmental client. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We find that the information at issue reveals attorney advice and, therefore, may be withheld under section 552.107(1) of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at

issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 122555

Enclosures: Submitted documents

cc: Mr. J. Wiley George
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(w/o enclosures)